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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WILLIENE JACKSON-JONES,  
individually and on behalf of all others  
situated,

Plaintiff,

vs.

EPOCH EVERLASTING PLAY, LLC, a  
Delaware limited liability company, and  
AMAZON.COM SERVICES LLC, a  
Delaware corporation,

Defendants.

Case No.: 2:23-cv-02567-ODW-SK

**JOINT STATUS REPORT RE:  
CASE STATUS FOLLOWING  
NINTH CIRCUIT MANDATE**

The Honorable Otis D. Wright  
United States District Judge

1 Plaintiff Williene Jackson-Jones (“Plaintiff”) and Defendants Epoch Everlasting  
2 Play, LLC (“Epoch”) and Amazon.com Services LLC (“Amazon”) (collectively, the  
3 “Parties”), by and through their respective counsel, submit this Joint Status Report  
4 pursuant to the Court’s December 2, 2024, Order (the “Order”). *See* ECF No. 105. The  
5 Order directed the Parties to file a joint status report within 14 days of the Ninth  
6 Circuit’s issuance of its mandate regarding Defendants’ Rule 23(f) appeal of this  
7 Court’s class certification order. *Id.*

### 8 **Background**

9 This case is about Calico Critters Flocked Toys (the “Products”). Plaintiff alleges  
10 the Products are “banned hazardous substances” under the Federal Hazardous  
11 Substances Act (“FHSA”), and that Defendants’ sale of those Products violates  
12 California’s Unfair Competition Law.

13 On September 5, 2024, this Court certified the following class: “All persons in  
14 the state of California who purchased at least one of the Products, for personal use and  
15 not for re-sale, since January 30, 2019.” ECF No. 92 at 12–13.

16 On September 19, 2024, Defendants petitioned for permission to appeal under  
17 Federal Rule of Civil Procedure 23(f), arguing that the class certification order was  
18 manifestly erroneous because: (1) Plaintiff lacks Article III standing to seek injunctive  
19 relief, and thus is an inadequate class representative; and (2) Plaintiff’s full-refund  
20 model does not reliably measure monetary relief on a classwide basis, and thus  
21 common issues do not predominate.

22 On November 19, 2024, the Ninth Circuit granted the petition for permission to  
23 appeal (ECF No. 101), and the parties subsequently briefed and argued the appeal.

24 On December 2, 2024, this Court entered an order staying the case—including  
25 all ongoing discovery and all upcoming summary judgment and trial proceedings—  
26 pending the outcome of Defendants’ appeal.

1 On August 20, 2025, the Ninth Circuit issued its Memorandum, which  
2 “vacate[d] the district court’s order granting class certification and remand[ed] for  
3 further proceedings.” ECF No. 107 at 2. The Ninth Circuit held that Plaintiff lacked  
4 Article III standing to seek injunctive relief. *See id.* at 3. It did not address the parties’  
5 dispute regarding Plaintiff’s full refund model. *See id.* at 3 n.1. The Ninth Circuit issued  
6 its Mandate on September 11, 2025, a copy of which is attached hereto as **Exhibit A**.

7 In light of the Ninth Circuit’s Memorandum, Plaintiff intends to file a renewed  
8 motion for class certification seeking certification of a Rule 23(b)(3) restitution-only  
9 class. Among other things, the Parties dispute whether Plaintiff’s lack of Article III  
10 standing for injunctive relief also precludes certification of a class seeking only  
11 restitution.

12 Without conceding that a renewed motion for class certification is appropriate  
13 or permissible, Defendants have agreed with Plaintiff on the following briefing  
14 schedule for that motion:

- 15 • Deadline to file Renewed Motion for Class Certification: October 9, 2025;
- 16 • Deadline to file Opposition to Renewed Motion for Class Certification:  
17 November 10, 2025;
- 18 • Deadline to file Reply in Support of Renewed Motion for Class  
19 Certification: November 24, 2025;
- 20 • Hearing on Renewed Motion for Class Certification: December 22, 2025  
21 at 1:30 p.m.

22 The Parties agree the current stay of all proceedings should remain in place  
23 pending resolution of Plaintiff’s forthcoming renewed motion for class certification.  
24  
25  
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Dated: September 25, 2025

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12 Dated: September 25, 2025

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21  
22 \*Pursuant to Local Rule 5-4.3.4(2), the filer attests that all signatories listed, and on  
23 whose behalf the filing is submitted, concur in the filing's content and have  
24 authorized the filing.